

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Riaz Ahmed Shad, et al.,**

**Plaintiffs,**

**-against-**

**RPG Ocean Holdings, LLC,**

**Defendant.**

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> _____ 08/21/2024

**1:23-cv-10724 (GHW) (SDA)**

**ORDER**

**STEWART D. AARON, United States Magistrate Judge:**

WHEREAS, after counsel did not appear on behalf of RPG Ocean Holdings, LLC ("RPG") in this action, the Court scheduled a conference with Plaintiffs to discuss how they intended to proceed against RPG (5/20/24 Order, ECF No. 28); and

WHEREAS, on May 28, 2024, the ECF docket was updated to reflect that RPG purportedly had been served as of January 31, 2024 (5/28/24 RPG Summons (Executed), ECF No. 29); and

WHEREAS, on May 29, 2024, Plaintiffs filed a Proposed Clerk's Certificate of Default for RPG with supporting documentation (Prop. RPG Clerk's Cert. of Default, ECF No. 30; Tariq Aff., ECF No. 31); and

WHEREAS, on May 30, 2024, at the Court's direction, the Clerk of Court's Office Staff was directed to vacate the Certificate of Default that was previously entered (Vacated Cert. of Default, ECF No. 32); and

WHEREAS, during the telephone conference held on May 30, 2024, the Court explained to Plaintiffs that it had directed the Clerk of Court's to vacate the Certificate of Default because Plaintiffs did not properly serve RPG pursuant to the requirements of New York law (5/30/24 Minute Entry); and

WHEREAS, the Court issued an Order requiring counsel for Plaintiffs to either (a) submit an amended affidavit of service and/or supporting declarations indicating that service of process was properly effectuated in accordance with New York law, or (b) otherwise serve RPG in accordance with the Federal Rules of Civil Procedure, and file proof of such service to the ECF docket (5/30/24 Order, ECF No. 33); and

WHEREAS, on July 1, 2024, summonses were returned executed, reflecting that RPG had been served on June 28, 2024, by personal delivery to the Secretary of State twice, providing two copies the Amended Summons, Notice of Removal, and First Amended Complaint, along with the statutory fee of \$40.00 (7/1/24 RPG Summons No. 1 (Executed), ECF Nos. 34; 7/1/24 RPG Summons No. 2 (Executed), ECF Nos. 35; Pls.' 7/1/24 Ltr., ECF No. 36); and

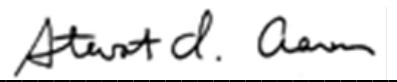
WHEREAS, after having been properly served on June 28, 2024, RPG has not yet appeared, answered or otherwise responded to the Amended Complaint.

NOW THEREFORE it is hereby **ORDERED**, that:

1. No later than September 6, 2024, counsel for Plaintiffs shall seek another Clerk's Certificate of Default as to RPG.
2. No later than August 23, 2024, counsel for Plaintiffs shall serve a copy of this Order on RPG and file proof of such service to the ECF docket.

**SO ORDERED.**

Dated: New York, New York  
August 21, 2024

  
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STEWART D. AARON  
United States Magistrate Judge